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MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

EXAMINER	
CAO, DIEM K	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/992,155
Filing Date: November 05, 2001
Appellant(s): TABARES ET AL.

D. Scott Moore
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/31/2007 appealing from the Office action mailed 7/30/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner.

Claims 20-34 stand rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0059474 A1	CAMARA et al.	5-2002
6,473,824 B1	KREISSIG et al	10-2002
2005/0034029 A1	RAMBERG et al	2-2005

Martin et al, "Professional XML", Wrox Press Ltd, 2002, pp. 9-17.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 2, 10, 12, 13, 15, 20, 21, 29, 31, 32, 34, 39, 40, 48, 50, 51 and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Camara et al (U.S. 2002/0059474 A1).

As to claim 1, Camara teaches dynamically associating a first software component (driver script) with the device driver (The Scanner Scripting Driver) at run-time (The Scanner Scripting Driver 120 uses the ... driver script 96 at runtime to operate the scanner; page 4, paragraph 34

and page 3, paragraph 22), the first software component containing information that facilitates communication with devices of a specific device type (functions that can be called by the driver script to communicate with and control the hardware device; page 3, paragraph 21 and the device-specific aspects of communicating with and controlling a hardware device are handled by a driver script for that device; page 4, paragraph 32).

As to claim 2, Camara teaches defining a plurality of device parameters (page 4, paragraph 36 and page 9, examples 2-4), associating at least one of the plurality of device parameters with a service (page 9, examples 2-4), and communicating the at least one of the plurality of device parameters associated with the service to the device driver (page 4, paragraph 34).

As to claim 10, Camara teaches selecting the first software component from a plurality of software components, respective ones of the plurality of software components being associated with respective ones of a plurality of device types (see fig. 2 and pages 2-3, paragraph 20).

As to claim 12, see rejection of claim 1 above. Camara further teaches receiving a request to collect data from the device (page 3, paragraph 27), retrieving data from the device using the device driver (page 3, paragraph 28).

As to claim 13, Camara teaches associating at least one device parameter with a service (page 4, paragraph 36 and page 9, examples 2-4), communicating the at least one device parameter to the device driver (page 4, paragraph 34), and retrieving data associated with the at least one device parameter from the device (page 3, paragraph 28).

As to claim 15, see rejection of claim 10 above.

As to system claim 20, it is the same as the method claim of claim 1 and is rejected under

the same ground of rejection.

As to claim 21, see rejection of claim 2 above.

As to claim 29, see rejection of claim 10 above.

As to claim 31, it is the same as the method claim 12 and is rejected under the same ground of rejection.

As to claims 32 and 34, see rejections of claim 13 and 15.

As to computer product claim 39, it is the same as the method claim of claim 1 and is rejected under the same ground of rejection.

As to claims 40 and 48, see rejections of claims 2 and 10 above.

As to claim 50, it is the same as the method claim 12 and is rejected under the same ground of rejection.

As to claims 51 and 53, see rejections of claims 13 and 15 above.

Claims 9, 14, 28, 33, 47 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camara et al (U.S. 2002/0059474 A1) in view of Martin et al (Professional XML).

As to claim 9, Camara teaches the first software component comprises one of a script file (page 4, section 0036). Camara does not teach an extensible markup language. However, Martin teaches the advantage of xml when sharing information (page 12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Camara and Martin because XML language is open, and its self-describing nature makes it an effect choice for multiple solutions (page 12).

As to claims 14, 28, 33, 47 and 52, see rejection of claim 9 above.

Claims 3-5, 22-24 and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camara et al (U.S. 2002/0059474 A1) in view of Kreissig et al (U.S. 6,473,824 B1).

As to claim 3, Camara does not teach the claimed limitations. However, Carama suggests the first software component could be written in programming language (page 5, paragraph 38). Kreissig teaches declaring a parameter base class that defines the plurality of device parameters (class IOLine 503, the parent class for a digital line; col. 8, lines 14-15 and 20-21), deriving a service-specific sub-class from the base class that defines the at least one of the plurality of device parameters that are associated with the service (IOLineIn, IOLineOut; col. 8, lines 11-15 and 20-21), instantiating the service-specific sub-class to create a service-specific sub-class object (Whenever an IO domain object ... instantiated; col. 9, lines 56-58), and instantiating the parameter base class to create a parameter base class object (Whenever an IO domain object ... instantiated; col. 9, lines 56-58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Camara and Kreissig because it provides a flexible, object-oriented approach for establish communication links between an application program and various IO device drivers (col. 2, lines 35-38).

As to claim 4, Kreissig teaches passing the at least one of the plurality of device parameters associated with the service from the service-specific sub-class object to the device driver (col. 9, lines 12-22).

As to claim 5, Kreissig teaches defining a plurality of common device parameters (class

IOLine 503, the parent class for a digital line; col. 8, lines 14-15 and 20-21), defining a plurality of service-specific device parameters (IOLineIn, IOLineOut; col. 8, lines 11-15 and 20-21), associating the common device parameters with the service-specific device parameters (the domain class ... for a digital line; col. 8, lines 13-15 and 20-21), and communicating the common device parameters and the service-specific device parameters to the device driver (col. 9, lines 13-22).

As to claims 22-24, see rejections of claims 3-5 above.

As to claims 41-43, see rejections of claims 3-5 above.

Claims 11, 30 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camara et al (U.S. 2002/0059474 A1) in view of Ramberg et al (U.S. 2005/0034029 A1).

As to claim 11, Camara does not teach generating the plurality of software components based on a plurality of management information base files, respective ones of the plurality of MIB files being associated with respective ones of the plurality of device types. However, Ramberg teaches the MIB describes and provides management information for device (page 4, section 0039 and page 5, section 0049). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Camara and Ramberg because it provides a method to create the component based on existing information instead from scratch which will save time and resources.

As to claims 30 and 49, see rejection of claim 11 above.

Claims 6, 25 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Camara et al (U.S. 2002/0059474 A1) in view of Kreissig et al (U.S. 6,473,824 B1) further in view of Martin et al (Professional XML).

As to claim 6, Camara teaches the software component that comprises a device script written in any type of script language that includes two files, one is device model data file and the other is a device family data file (page 4, paragraph 0036). However, Kreissig teaches declaring a parameter base class that defines the plurality of common device parameters (class IOLine 503, the parent class for a digital line; col. 8, lines 14-15 and 20-21), wherein defining the plurality of service-specific device parameters comprises providing a second software component (IOLineIn, IOLineOut; col. 8, lines 11-15 and 20-21), and instantiating the parameter base class to create a parameter base class object (Whenever an IO domain object ... instantiated; col. 9, lines 56-58). Martin teaches the advantage of xml when sharing information (page 12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Kreissig, Camara and Martin because it provides a flexible, object-oriented approach for establish communication links between an application program and various IO device drivers (col. 2, lines 35-38).

(10) Response to Argument

I. Claims 20-34 have been rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

The rejection is withdrawn in response to Appellant's arguments submitted on 10/30/2007 (see Brief, pages 6, lines 5-17).

II. Introduction to 35 U.S.C. 102/103 Analysis

A. Independent claims 1, 12, 20, 31, 39 and 50 stand rejected under 35 U.S.C. 102(3) as being anticipated by Camara.

As to Appellant's arguments regarding Camara does not teach the software component that is dynamically associated with the device at runtime and facilitates communication with the device (see Brief, page 9, lines 14-16) because (1) the combination of the scripting driver 66, script engine 68 and driver script 70 are alleged to correspond to the device driver element recited in the independent claims (see Brief, page 9, lines 11-13), (2) the driver script 96 is not dynamically associated with scripting driver at runtime, instead, the scripting driver 120 is permanently associated with the driver script 96 (see Brief, page 9, line 17 – page 10, line 5), and the sentence in Camara's reference "the Scanner Scripting Driver 120 uses the script engine 122 to interpret and execute the textual instructions in the driver script 96 at run-time to operate the scanner" is not the same as "a software component that is dynamically associated with a device driver at runtime" (see Brief, page 10, lines 6-19), Examiner respectfully disagrees with the arguments:

- As to the point (1), Camara teaches the scripting driver is provided for a given type of hardware device, for example, a scanner (page 3, paragraph 23), the scripting driver interfaces with the operating system for receiving requests from applications and/or the operating system to operate the hardware device (page 1, paragraph 6), thus the scripting driver in this reference meets the limitation "device driver" cited in all the independent claims. Furthermore, according the specification as original filed, the device driver is a generic device driver, which may be dynamically configured to communicate with a specific device type by loading a particular script

and/or XML file that is associated with that device type (see specification, page 9, lines 1-4). Thus, Camara clearly teaches "device driver" as claimed in all the independent claims.

- As to the point (2), Camara teaches the system stores a scripting driver 66 for a given type, and one or more driver scripts 70 each for a particular hardware device (page 2, paragraph 20). However, storing on the same system both the scripting driver and driver script does not mean that the scripting driver 66 120 is permanently associated with the driver script 70. Furthermore, according to the specification (see page 7, lines 16-20), the device driver (device driver program module 91) and the software component modules (the script/XML files for device types program module 88) are stored on one system. Therefore, the arguments are not persuasive.

- As to the point (3), Camara teaches there is one scripting driver for a given type, and multiple driver scripts each for a particular hardware device (page 2, paragraph 20), and at runtime, in response to a request from an application to operate the scanner, the script driver uses the script engine to access the driver script for that scanner (page 4, paragraphs 34-35). Since there are more than one driver scripts for the scanners, a correct script driver is accessed at runtime to process the request, clearly, Camara teaches the software component (driver script) is dynamically associated with the device driver (scripting driver) at runtime. Therefore, the arguments are not persuasive.

Thus, Camara teaches the software component that is dynamically associated with the device at runtime and facilitates communication with the device.

B. Dependent claims 9, 14, 28, 33, 47 and 52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Camara in view of Martin et al. (Professional XML).

The above dependent claims each depend from one of the independent claims 1, 12, 20, 31, 39 and 50. However, the above independent claims are not patentable over the prior of record as set forth above (see discussion in section A). Therefore, dependent claims 9, 14, 28, 33, 47 and 52 are not allowable.

C. Dependent Claims 3-5, 22-24 and 41-43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Camara in view of Kreissig et al. (U.S. 6,473,824).

The above dependent claims each depend from one of the independent claims 1, 20 and 39. However, the above independent claims are not patentable over the prior of record as set forth above (see discussion in section A). Therefore, dependent claims 3-5, 22-24 and 41-43 are not allowable.

D. Dependent claims 11, 30 and 49 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Camara in view of Ramberg et al. (U.S. 2005/0034029).

The above dependent claims each depend from one of the independent claims 1, 20 and 39. However, the above independent claims are not patentable over the prior of record as set forth above (see discussion in section A). Therefore, dependent claims 11, 30 and 49 are not allowable.

E. Dependent claims 6, 25 and 44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Camara in view of Kreissig and further in view of Martin et al.

The above dependent claims each depend from one of the independent claims 1, 20 and 39. However, the above independent claims are not patentable over the prior of record as set forth above (see discussion in section A). Therefore, dependent claims 6, 25 and 44 are not allowable.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Diem Cao, Examiner Art Unit 2194

Diem Cao

Conferees:

William Thomson, Supervisor Art Unit 2194

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Wei Zhen, Supervisor Art Unit 2191

WEI ZHEN
SUPERVISORY PATENT EXAMINER